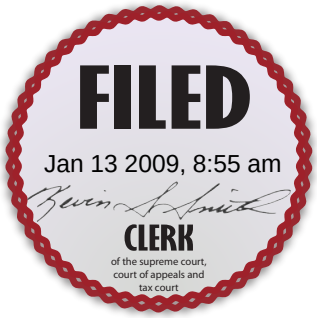

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IN THE
COURT OF APPEALS OF INDIANA

ALEJANDRO RAMIREZ,	)	
	)	
Appellant-Defendant,	)	
	)	
vs.	)	No. 45A03-0806-CR-312
	)	
STATE OF INDIANA,	)	
	)	
Appellee-Plaintiff.	)	

APPEAL FROM THE LAKE SUPERIOR COURT
The Honorable Clarence D. Murray, Judge
Cause No. 45G02-0708-FB-70

January 13, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BAILEY, Judge

Case Summary

Appellant-Defendant Alejandro Ramirez ("Ramirez") appeals the eight-year sentence imposed following his plea of guilty to Dealing in Cocaine, as a Class B felony.[1] We affirm.

Issue

Ramirez presents a single issue for review: whether the sentence is inappropriate.

Facts and Procedural History

Ramirez stipulated to the following factual basis. On August 24, 2007, Ramirez was driving northbound, in the vicinity of the 8100 block of Kennedy Avenue, in Highland, Indiana. At that time, he was knowingly and intentionally in possession of cocaine with the intent to deliver that cocaine.

On August 27, 2007, the State charged Ramirez with several counts related to his alleged possession of cocaine and marijuana with intent to deliver. On April 21, 2008, Ramirez pleaded guilty to one count of Dealing in Cocaine pursuant to a plea agreement, which provided that the remaining charges would be dismissed and Ramirez would receive a sentence capped at eight years.

On May 19, 2008, the trial court sentenced Ramirez to eight years imprisonment. He now appeals.

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[1] Ind. Code § 35-48-4-2.

Discussion and Decision

A person who commits a Class B felony shall be imprisoned for a fixed term of between six and twenty years, with the advisory sentence being ten years. See Ind. Code § 35-50-2-5. Ramirez received a sentence two years less than the advisory sentence. With reference to Indiana Appellate Rule 7(B), which provides that we "may revise a sentence authorized by statute if, after due consideration of the trial court's decision, [we find] that the sentence is inappropriate in light of the nature of the offense and the character of the offender," Ramirez now requests that we reduce his sentence to the statutory minimum of six years.

With regard to the nature of the offense, the advisory sentence is the starting point in our consideration of an appropriate sentence for the crime committed. Childress v. State, 848 N.E.2d 1073, 1081 (Ind. 2006). The nature of the instant offense is that Ramirez possessed cocaine with the intent to deliver it. The nature of the offense does not militate toward a less than advisory sentence.

On the other hand, the character of the offender suggests some mitigation in sentencing is appropriate. Ramirez has no criminal history. He has historically provided financial support to his child in Mexico. He apparently was able to obtain employment as a construction worker although he entered and remained in the United States illegally.

Ramirez decided to plead guilty, which spared the State the expense of a trial. A guilty plea demonstrates a defendant's acceptance of responsibility for the crime and at least partially confirms the mitigating evidence regarding his character. Cotto v. State, 829 N.E.2d

520, 525 (Ind. 2005). Indiana courts have recognized that a defendant who pleads guilty deserves to have mitigating weight extended to the guilty plea in return, but it is not automatically a significant mitigating factor. Davis v. State, 851 N.E.2d 1264, 1268 n.5 (Ind. Ct. App. 2006), trans. denied. Here, Ramirez received the benefit of having several charges dismissed in exchange for his guilty plea.

In sum, the nature of the charged offense and the character of the offender do not suggest a statutory minimum sentence. Ramirez has not persuaded us that his eight-year sentence is inappropriate.

Affirmed.

MATHIAS, J., and BARNES, J., concur.